

Commercial



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HONOLULU, HAWAII TERRITORY, TUESDAY, MARCH 25, 1902.

PRICE FIVE CENTS.

DOLE SEES
NO DANGERGovernment Doing
Well Despite
Drawbacks.CASH WILL LAST
UNTIL MID-SUMMERNot More Than Three Months of
Certificates—No Need of
Extra Session.

GOVERNOR DOLE now expects to be absent in the States during the visit which he will make, for about two months. After his stop at Washington, and the completion of the business which takes him to the Capital, it is the plan of the Governor to make several visits to friends, going as far East as Boston. While he has set no date for his return, Governor Dole does not expect that he will be detained longer than two months. Mrs. Dole will not accompany him.

"The government is in excellent condition in view of its lean purse," said the executive yesterday. "But for the storms which have caused such losses in Hamakua and Kohala, with the damage done at Hilo and in various parts of the Islands, our financial condition would be quite satisfactory, though of course we would have liked to carry through many improvements which must be kept back for the present. We now estimate that there will be funds to carry on the work of the several departments well into the summer, and it may be that we can go ahead without the necessity of having recourse to the issuance of certificates until August. There will be a period of perhaps three months then until the realizations from taxes relieve this condition."

"I can see now no reason for any change in my belief that an extra session of the Legislature is not necessary. The government has decided that certain work can be carried through, and this work can all be accomplished without any serious drawbacks. Improvements which have been contemplated and which we would like to see pushed along, have had to be set aside for the present, and we are running along on the plan devised to carry us through until appropriations by the next Legislature are available."

"The only appropriation which will not be sufficient to carry through the period is that for the courts. The inordinate drafts upon it have exceeded a proportionate demand and it does not appear that it will be sufficient to last through the two years. There is no other appropriation from which money can be carried to the credit of the courts. The only way in which work may be carried on is for the men who are summoned to wait for their pay until there is a subsequent appropriation made."

"While there are others who could tell you more of the state of politics I have given the subject some thought and I believe there will be some change in the alignment when the next election comes along. The leaders here in Honolulu do not make the party. After the promises made two years ago by the opposition leaders here, and their lack of fulfillment in the Legislature of last year, they cannot but go into the campaign this time with a great loss of prestige. This will be felt in the outside districts, perhaps more than here."

"I have been reported as ordering that public officials take no active part in politics. This is hardly the case. I called the attention of one of the heads of department to the position of President Roosevelt as to active participation in party organizations of men whose offices make them conspicuous public servants. I have always held that the men who are at the head of departments are servants of the entire people. They should be in sympathy with the executive, so that the government may move along to the accomplishment of its policy, which could not be the case where there was a lack of sympathy between the men at the head of affairs. This, however, lessens as you go down the line of responsibility. There does not seem to be a great deal affecting Hawaii before the Congress at this time. I am greatly interested in the land question, but, of course, there does not seem to be any bills which are likely to pass bearing upon this subject. I have heard that Commissioner of the Gen-

eral Land Office Hermann may come here for a visit during the summer. We should have him here if possible, for he would be able to understand the many sides to the local problem, which are difficult to one who has never seen the Islands and the lands. Of course I shall urge upon him the making of the trip if possible, as I believe it will be of great value to us to have his advice and his help in the shaping of legislation in the future."

HAWAIIAN MONEY.

System of Coinage in Operation in the Islands.

"Comparatively few persons in the United States are familiar with the financial conditions in Hawaii," said Mr. A. R. Serven, chief examiner of the civil service commission, to a Washington Star reporter a few days ago. Mr. Serven paid a visit to our new possessions in the Pacific about a year ago and he made a pretty thorough investigation of affairs there.

"Fewer still," he continued, "are acquainted in figures with the amount of coinage in circulation in Hawaii. In 1883 King Kalakaua bought up a lot of silver bullion and sent \$1,000,000 worth to the San Francisco mint, where it was coined into dollars, half dollars, quarters and dimes of the same weight and fineness of American silver coinage."

"The money in circulation in the Hawaiian Islands is about \$2,000,000. Silver passes at its full coinage value anywhere on the Islands. Off the Islands it is received at about 40 cents on the dollar. In paying debts outside the Islands the Hawaiian people encounter all sorts of trouble as the result of this. "Of the silver coined at the San Francisco mint there was \$500,000 in dollars, \$250,000 in half dollars, \$125,000 in quarters and \$25,000 in dimes. The people of Hawaii including many business men with whom I talked, were emphatic in their expressions that the Congress of the United States should recognize the silver currency of the Territory at the same value as American silver, or should take it up and make the coin of the United States the medium of exchange throughout the Islands."—Washington Star.

Ney Duak Again.

Judge Gear's pet bailiff, Emil Ney, stopped over again yesterday, and in consequence spent the night in the tank. Ney started in at noon and at 7 o'clock was drunk, confidential and abusive. He created considerable diversion on Nuuanu street by offering to reveal a political secret to Judge Wilcox. In a Nuuanu street saloon he said he was going to see his friend Gear through to Washington, whether they were going by the Sierra. He was finally arrested. Ney demanded at the police station that Judge Gear be brought there. The silence of the prison was broken long into the night by shouts for the judge.

To Fill Kewalo Streets.

Work upon the first section of the Kewalo storm sewer will begin immediately. The contractors, Vincent & Belser, are ready to start now. This means the construction of the sewer along the Kapoli street extension to the sea. When the Pacific Improvement Company's dredger is completed it will be put to work taking material from the inner reef off Kakaako to fill in the Kewalo streets. Queen street will first receive attention. The raise of grade will leave residences considerably below the street line. For filling private premises an arbitrary rate has been established.

Hotel Street Widening.

Arrangements were completed yesterday whereby the extended sidewalk in front of the Elite building will be cut down to the regulation width and Hotel street widened to its full proportions. This removes every obstruction in the block between Alakea and Union streets, except the old building at the immediate corner, which it is understood will come down very soon. The Rapid Transit Company will put in its ornamental iron poles at once and the telephone and electric light poles in the block will be moved back immediately.

Managers Meet Planters.

Members of the executive committee of the Planters' Association met yesterday with managers from the various Islands, to discuss at some length the labor situation. There were two sessions held and there will be others to-day. After considerable talk over plans, formulation of a course of action was put into the hands of a committee, which will report at length this morning.

Iron Works Bid Lowest.

Tenders for 10,000 feet of six-inch cast iron pipe were received yesterday by the Public Works Department, after advertising all over the United States for bids, the result being that the Honolulu Iron Works outbid all competitors nearly a dollar lower than the next lowest bid. It is probable the Iron Works will get the contract.

Americans will soon form an exclusive London club. The club's name will probably be the Columbia. The entrance fee will be \$50. Americans, because of their nationality, cannot enter some of the larger English clubs.

HOW THE CIRCUIT COURT
HAS LET OFFENDERS GOOver a Hundred Penal Cases Dis-
missed on Technical Grounds
by Two Judges.An Appalling Exhibit of the Way in Which
Humphreys and Gear Promote
Lawlessness.

Roster of alleged criminals and misdemeanants discharged by Judges Humphreys and Gear on technicalities:

By Gear.	By Humphreys.
Malicious Injury	1
Murder	18
Manslaughter	4
Rape	3
Assault and Battery	11
Liquor Selling	3
Gross Cheat	1
Profanity	1
Embezzlement	1
Solicitation	1
Forgery	1
Practicing Medicine	1
Without License	1
Violating Opium Law	13
Gambling	12
Heedless Driving	1
Larceny	2
Threats	1
Unlawful Trespass	1
Burglary	4
Sorcery	1
Desertion	2
Riot	3
Vagrancy	4
Mayhem	1
69	41

THE ADVERTISER presents this morning a list of the criminal cases dismissed by Circuit Judges Humphreys and Gear on technicalities since their advent on the bench. The list is not complete and there are omitted a large number of cases of similar character in which the Attorney General was compelled to enter a nolle prosequi by reason of the rulings of the circuit judges. Particularly is this true in liquor cases and opium cases, the latter law being declared unconstitutional by Judge Humphreys.

The list of 110 cases dismissed as given below, does not include, for instance, the numerous liquor cases, in which the evidence consisted largely of that offered by the police. The circuit judges instructed the juries to disregard such evidence (though in the States the United States authorities rely wholly upon similar testimony), and which practically was a direction to return a verdict of acquittal.

The list does not include the cases where sentence was suspended, this being done generally upon a motion of the Attorney General at the request of the court. Judge Gear's reluctance to send defendants to Oahu prison is responsible for another big batch of petty offenders being free today, who are not enumerated in the list.

In the cases of boys whose place properly was in the Reform School Judge Gear suspended sentence, holding that he did not have the same powers as the district magistrate, though both Humphreys and Judge Robinson have held that Circuit Courts have the same jurisdiction. Judge Gear has far outclassed Humphreys in his attitude towards the criminals brought before him. He has released altogether sixty-nine defendants, though on the bench less than a year, and the majority were for the most serious crimes.

The record shows that he released sixteen defendants charged with murder, four previously convicted of manslaughter, and three of rape. It is true that some of these men were released several times by Judge Gear, for the second judge left no stone unturned to give the assorted aggregation of murderers and rapists their freedom, and it was only by the activity of the police that they are now safe behind the bars.

In these habeas corpus or transition period cases Judge Gear not only released the defendants originally on the ground that they had not been legally convicted, but when new indictments were brought in accordance with his own ruling, he again released them, on his own motion drawing a jury and directing it to return a verdict of acquittal, denying every request of the At-

JUDICIAL UTTERANCES.

Success to Crime.
You may go; I might have
stolen a \$10 bill myself at thirteen.
Better defend those Negroes,
Mr. Davis. You cleared them once.

torney General for a continuance, though the case which will decide the constitutional question eventually is now pending in the United States Supreme Court. By his arbitrary action Gear will turn loose upon the community all these men convicted once before of heinous crimes (some of whom pleaded guilty) in the event that the Supreme Court sustains Judge Estee's decision. As these men were regularly indicted and released by Gear, there is nothing to stand in the way of their liberty, if the first convictions are held to be illegal, as they cannot be again placed in jeopardy for the same crime. Knowing this the attorneys have made no further attempt to secure the release of their clients and are now awaiting the Supreme Court ruling.

The list of criminals released upon technicalities includes some in which the circuit judges held diametrically opposite views. Gear released Crimp, McCarthy on the ground that mayhem was not a crime within the meaning of the statutes, though Humphreys but a short time ago had sentenced a man to prison under an exactly similar charge. Both Gear and Humphreys have held that there could be no appeal from a plea of guilty in the District Court, yet in spite of that Judge Gear released four girls charged with vagrancy who had been arrested upon the premises of the Honolulu Investment Co., though they pleaded guilty before Judge Wilcox.

The information given herewith was obtained with great difficulty. An effort was made to obtain the statistics from the records of the Circuit Court. He stopped the reporter who was at work upon the criminal docket containing the clerk's minutes, with the remark that the records did not become public property until signed and approved by the judge. Though the record dates back nearly two years Judge Humphreys has signed it for but one term, and Gear's record has not been made up as yet.

Below is given the list of cases dismissed by Judge Humphreys and Gear on technicalities, giving the date of dismissal of the charge, and where it could be learned the reason given by the court therefor.

Forty-one criminal cases dismissed by Judge Humphreys on technicalities, between August 10, 1900, and Dec. 10, 1901.

LIQUOR SELLING—Aug. 10—W. J. Ottman—Selling liquor without a license; complaint quashed.

SORCERY—Aug. 15. Koleka—Discharged upon demurrer.

LIQUOR SELLING—Aug. 17. Frank Fisher—Selling liquor without a license; complaint quashed.

LIQUOR SELLING—Aug. 17—Bob Gardner—Selling liquor without a license; defendant discharged.

GROSS CHEAT—Aug. 17—F. C. Parker—Case ordered dismissed.

LIQUOR SELLING—Aug. 17—Fred Myers—Selling liquor without a license; case ordered dismissed.

GAMBLING—Aug. 17—Territory vs. Tai Hung; case ordered dismissed.

PROFANITY—Aug. 22—Goo Yuen—Dismissed for want of jurisdiction.

EMBEZZLEMENT—Aug. 24, 1900—Eugene Avery—Court directs verdict of acquittal, alleging insufficiency of evidence.

SOLICITATION—Sept. 4, 1900—Manuel Phillips—Defendant discharged, the law held to be unconstitutional.

LIQUOR SELLING—Sept. 6—E. C. Macfarlane—Unlawful sale of liquor;

indictment quashed and defendant discharged.

LIQUOR SELLING—Sept. 6—J. P. Hayward—Unlawful sale of liquor; indictment quashed.

THREATS—Nov. 8—Chung Hong Cho—Convicted in District Court of making threats; case dismissed.

FORGERY—Nov. 16—John Antone—Jury instructed to acquit.

ASSAULT—Nov. 19—William McCarthy—Case ordered dismissed.

PRACTICING MEDICINE WITHOUT LICENSE—Dec. 19—W. S. Noblitt—Defendant discharged, court holding that he could not be prosecuted under Hawaiian law. Was convicted in District Court.

VIOLATING OPIUM LAW—Jan. 23—Sam Kun—Having opium in his possession; fined \$50 in District Court; law declared unconstitutional.

OPIUM—Jan. 23—Lap Chu—Opium in possession; convicted in lower court; law held to be unconstitutional.

OPIUM—Jan. 23—Tau Chou—Having opium in possession; fined \$50 by Judge Wilcox; released on same ruling.

OPIUM—Feb. 17—Oh Chong—Violating opium law; serving sentence in Oahu prison; ordered released.

ASSAULT—April 11—John Mailua—Assault and battery on police officer; jury instructed to acquit.

OPIUM—Feb. 12—Ah Noy—Opium in possession—Law held unconstitutional; defendant discharged.

OPIUM—Choy Kung—Opium in possession; same disposition.

OPIUM—Ah Kwai—Same charge and same disposition.

OPIUM—Nee Young—Same as above.

OPIUM—Lock Sui—Same as above.

OPIUM—Tong Mung—Same as above.

OPIUM—Ah Hop—Same as above.

OPIUM—Ah Chin—Same as above.

OPIUM—Ah Leong—Same as above.

ASSAULT—April 12—Takamuri, convicted in lower court; dismissed on ground of faulty complaint.

ASSAULT—April 22—Ah Chew—Assault and battery; case dismissed.

ASSAULT—April 22—Yokayami—Convicted in lower court; dismissed because of no sworn complaint.

HEEDLESS DRIVING—April 23—Takasa—Indictment; released on the ground that court was without jurisdiction.

LIQUOR SELLING—April 25—Manuel Souza—Illegal liquor selling; convicted in District Court; dismissed by the court on ground that there was no sworn complaint.

ASSAULT—April 25—Mrs. Mon War—Assault and battery; convicted in lower court; case dismissed.

GAMBLING—April 11—W. H. Crawford—Convicted of gambling in District Court; indictment ordered quashed.

LIQUOR SELLING—Nov. 6—Pololea—Charged with illegal liquor selling; appeal from District Court; dismissed by court.

LARCENY—Nov. 7—Kumano Kealoha—Larceny in the second degree; indicted by grand jury; dismissed by court.

LARCENY—Nov. 15—Sun Chun—Larceny in the second degree; appeal from District Court; dismissed by court.

PERJURY—Dec. 10—W. K. Rathbun—Charged with perjury—Indicted by grand jury; dismissed by court.

Sixty-nine criminal cases dismissed by Judge Gear on technicalities between April 11, 1901, and March 6, 1902.

LIQUOR SELLING—April 23—Pololea—Convicted in District Court; released after jury had returned verdict of guilty, on ground that there was no sworn complaint on file.

UNLAWFUL TRESPASS—April 23—Ah Noy—Sentenced in lower court to six months for being unlawfully upon the premises of another. Released because of alleged insufficiency of complaint.

RAPE—July 24—Goto Mazzo—Serving life sentence for rape; released, court holding that less than a unanimous verdict was void. Appeal to Supreme Court, which had taken opposite view, denied.

RAPE—July 24—Ah Oi—In prison; released upon same ruling.

MANSLAUGHTER—July 25—W. D. Hamilton—Serving five year sentence; court held conviction by less than unanimous jury to be illegal. Judge released the prisoner and said he was sorry he could not give him back the years he had already served in prison. Right of appeal denied.

MURDER—July 28—Ihara Ichagoro—Found guilty by jury of ten; sentenced to be hanged, and afterwards sentence commuted to life imprisonment; released and afterwards rearrested on new warrant. High Sheriff Brown sentenced to prison himself for one hour for rearresting the prisoner.

MANSLAUGHTER—July 28—Osaki Mankicho—Serving five years; released for same reason as last case.

MANSLAUGHTER—July 28—Yamane Nencho—Serving five years in prison.

MURDER—Aug. 17—Chida Manzaboro—Serving sentence for murder in first degree, to which he pleaded guilty. Released on habeas corpus, though similar case was pending in the Supreme Court. Same reason as last case.

MURDER—Aug. 20—George Wade—Serving life sentence for murder. Released on habeas corpus. Appeal to Supreme Court denied. Same reason as last case.

RAPE—Aug. 21—Ah Quong—Serving life sentence for rape. Released; same reason as last case. Appeal denied.

MURDER—Aug. 31—Chida Manzaboro—Serving sentence for Kahuku murder; released on habeas corpus, the court refusing a continuance to allow the attorney general time to prepare for trial. Court threatened to punish the officers if he was rearrested on new warrant.

MURDER—Sept. 5—George Wade—Serving life sentence for murder; again released on habeas corpus.

ADULTERY—Sept. 6—Hoshide—Adultery, appeal. Discharged because proceedings of the lower court had been conducted in the Hawaiian language.

ASSAULT—Sept. 10—Ah Soon—Jury directed to acquit.

MANSLAUGHTER—Sept. 12—Nakamura—Manslaughter in the first degree; grand jury indictment. Evidence of a ten year old boy who witnessed the crime ruled out, and the court thereupon instructed the jury to return a verdict of acquittal.

MURDER—Sept. 15—Osaki Mankicho—Serving 20 year sentence for mur-

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LOOKING
FOR FISHAlbatross to Make
Soundings
Near by.DR. GILBERT IS
CHIEF SCIENTISTMany Months' Work Ahead of the
Ship in the Off-Shore
Dredging.

FOR the next five or six months there may be seen off shore from the various islands of the group, a trim white steamer, with sail and steam, will be moving about slowly, crossing back and forth over a given track. The short legs of a mile or so will be made all during the cruises which will last from two to four or even six weeks from this port. The ship which is to make the maneuvers is the Albatross, and the work in which she will be engaged is the exploration of the off-shore fishing banks. The cruise is to occupy the summer and its scientific interest is of the first order.

The Albatross arrived yesterday from San Francisco, and though only one stop was made, that at Erben Bank, six hundred miles out of San Francisco, the nets which were dragged astern all the way developed sufficient sea life to keep the laboratory force at work, and yesterday the first thing the scientists did was to visit the fishmarket and secure some pretty specimens which occupied their attention during the day, for the trip is one for work, and there promises to be little sight seeing for the men who have taken on the cruise for its scientific value.

The chief scientist of the party on board the Fish Commission vessel is Dr. Charles H. Gilbert, who occupies the chair of zoology at Leland Stanford, Jr., University. Dr. Gilbert has never before visited these waters, and he expects that the work he will do here will be of rare scientific interest. This is due to the fact that this is the very first time there has been given to a tropical water such an opportunity for thorough investigation. Heretofore the work has been sporadic, some specimens being taken here and there, and the results have always been most interesting. Now there is time and opportunity for the exhaustive study of sea life, and that it will be productive of many new things is certain, for Dr. Gilbert said yesterday that he had found several new forms of life in the nets which were dragged on the way down.

The primary work of the vessel in these waters will be the study of sea life. Coupled with this scientific labor will be the investigation of the fishing banks, the extent of the grounds and the estimated amount of fishes which might be taken there. This branch of the work is more particularly that of the fisheries expert attached to the Albatross, Mr. A. B. Alexander, who will be assisted by Messrs. Fassett and Chamberlain, of the commission service. The latter is the photographer of the party.

Dr. Gilbert has in his party Dr. C. C. Nutting of the University of Iowa, and Messrs. J. L. Snyder and W. K. Fisher of Stanford. They will be in charge of the preparation and classification of the specimens taken, also making paintings of the fishes as soon as they are brought from the water, so as to secure the colors as bright as they are in life. The equipment of the Albatross for her work is magnificent, as the vessel has a complete set of deep sea trawls and nets, and will work at a depth of at least 2000 feet much of the time. For the purpose of preserving the fishes, the cargo of the ship includes ten barrels of alcohol, and there are scores of bottles in racks, copper tanks in cases and specimen jars which will be sufficient to contain all the individual specimens that the scientists may wish to preserve on the trip.

The intention of the officers is to make a complete survey of the off-shore grounds about the entire group. Honolulu will be the center of operations and the mail station, but the cruises will be made everywhere, not according to a fixed itinerary, owing to the fact that the weather will have much to do with the windward and channel trips, so that there will be advantage taken of any falling off in the trades and any south wind periods. The work will consist of the using of the nets for surface and deep sea as well, the sounding for banks and their exploitation, and the studying of the

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